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10-30-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: T. Allan Hamilton et al.
Assignee: ZiLOG, Inc.
Title: METHOD AND SYSTEM FOR DYNAMICALLY
MANAGING WIRELESS COMMUNICATIONS SYSTEM
PROTOCOLS

Application No.: 09/207,694 Filed: December 8, 1998
Examiner: Singh, D. Group Art Unit: 2633
Docket No.: M-12705 US Conf. No.: 7149

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- ALTERNATIVE PETITIONS TO**
(1) WITHDRAW A HOLDING OF ABANDONMENT
UNDER 37 CFR §1.181, or
(2) REVIVE THE APPLICATION AS UNAVOIDABLY ABANDONED
UNDER 37 CFR §1.137(a), or
(3) REVIVE THE APPLICATION AS UNINTENTIONALLY ABANDONED
UNDER 37 CFR §1.137(b)

Sir:

This is in response to a Notice of Abandonment, mailed October 1, 2002, stating that no reply has been received to a Notice of Non-Compliant Amendment (mailed July 20, 2001, with a one-month period set for response) for failure to file a clean version of claims amended by an Amendment filed by fax on July 13, 2001. The Amendment was in response to a non-final Office Action dated April 13, 2001.

However, the file of the undersigned attorney indicates that a Clean Version of Amended Claims was filed by fax on July 13, 2001, separately from the Amendment filed on that day, and then again on July 30, 2001, in response to the Notice of Non-Compliant Amendment. A copy of this Clean Version of Amended Claims (1 page) is

4-9
NOT
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NO
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Application No.: 09/207,694

Express Mail No.: EV212982315US

being filed herewith, along with a Certificate of Transmission originally signed by attorney Karl Steins. Also attached are two Fax Cover Pages, one dated 7/13/01 indicating "Retransmit ... 3 pages," and the other dated 7/30/01 indicating the transmission of 4 pages and including a note from Mr. Steins to Examiner Singh. The Certificate of Transmission is dated 7/13/01, with a hand written note "Retransmit 2nd Time" that is dated 7/30/01.

Mr. Steins originally filed and prosecuted the subject application until earlier this year, at which time his file was transferred to the undersigned attorney's law firm for continued prosecution. A Substitute Power of Attorney By Assignee was filed by Express Mail on May 2, 2002. The undersigned reviewed the file at about that time, which, because it included the attached Clean Version of Amended Claims and Certificate of Transmission, appeared to be in order. A Request For Status of Application was filed by the undersigned by Express Mail on July 29, 2002. The first indication that the Office considered this application to be abandoned was on September 20, 2002, when a telephone voice mail message was received by the undersigned from Examiner Singh inquiring whether a response to the Notice of Non-Compliant Amendment had been filed. The fact of the filings by fax were described to Examiner Singh in a telephone conversation on September 26, 2002.

Under these circumstances, it is respectfully submitted that the Notice of Abandonment was improperly issued. The file received from Karl Steins clearly shows that the Clean Version of Amended Claims, a copy of which is being filed herewith, was filed twice by fax in July 2001. Withdrawal of the Notice of Abandonment is therefore solicited.

Alternatively, if it is decided that the Notice of Abandonment cannot be withdrawn on this record, it is respectfully requested that the subject application be revived under 37 CFR §1.137(a) on the ground that the delay in responding was unavoidable. The attached Clean Version of Amended Claims shows that Mr. Steins did all he could to file the document by fax on July 13 and then again on July 30, 2001. The fact that this filing has not reached the Office file until now is submitted to be a delay that is not the fault of Mr. Steins or the undersigned attorney. Indeed, the entire delay from the August 20, 2001 due date until the filing of this Petition was unavoidable.

As a further alternative, if it is decided that the Notice of Abandonment cannot be withdrawn and that the application cannot be revived on the present record on the ground that the delay in responding has been unavoidable, it respectfully requested that the subject application be revived under 37 CFR §1.137(b) on the ground that the delay in responding was unintentional. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional.

The attached Clean Version of Amended Claims is the required reply to the Notice of Non-Compliant Amendment. Please charge any fees in connection with the filing of these alternative petitions to Deposit Account 19-2386. This document is being submitted in duplicate.

EXPRESS MAIL LABEL NO:

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Respectfully submitted,



Gerald P. Parsons
Attorney for Applicant(s)
Reg. No. 24,486

Clean Version of Amended claims:

1 1. A system for internally optimizing wireless communications between a pair of devices, each
2 said device comprising an application set group comprising at least one application set and a
3 stack group comprising at least one stack, said application set group and said stack group in
4 communication with a wireless transceiver, comprising:

5 a first said device comprising:

6 detector means in communication with said first device application set group for
7 detecting the configuration of said application set in a second said device; and

8 selector means for enabling the optimum said first device stack responsive to said
9 detecting.

1 2. The system of Claim 1, wherein said first device detector means further enables the optimum
2 said first device application set responsive to said detecting.

1 5. A method for internally optimizing communications between a pair of devices, each said
2 device comprising an application set group comprising at least one application set and a stack
3 group comprising at least one stack, said application set group and said stack group in
4 communication with a wireless transceiver, comprising the steps of:

5 default enabling, wherein selector means in each said device in communication with said
6 stack groups in the respective said devices for selecting the optimum said stack enables a default
7 said stack; and

8 upgrade enabling, wherein selector means enables an upgraded said stack.



In the United States Patent and Trademark Office

Applicant(s): Hamilton, et. al

Title: "Method and System for Dynamically Managing Wireless Communications System Protocols"

Serial No.: 09/207,694

Docket No. CLB9-B95

Certificate of Transmission - 37 CFR 1.8

I hereby certify that this correspondence entitled "Clean Version of Amended Claims" is being facsimile transmitted to the Patent and Trademark Office, on 07/13/01

7/13/01
Date

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Registration No. 40,186
Steins & Associates
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(619) 692-2004

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7/30/01



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To: EXAM SINGH, GAV 2633		From: Karl M. Stains, Attorney at Law	
Fax Number: (703) 308-6296		Pages including this Cover: 4	
Date: 7/30/01	Time: 1645	For Information Call: (619) 692-2004/(714) 549-1198	
Subject: 7/10/01		Fax Number: (619) 692-2003 / (714) 549-1197	

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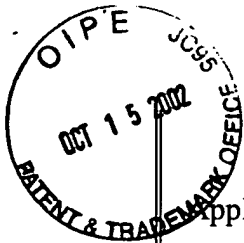
PLEASE SEE THE ATTACHED CLEAN VERSION OF
AMENDED CLAIMS THAT WAS FILED IMMEDIATELY
AFTER THE AMENDMENT WAS TRANSMITTED ON 7/13/01

The information contained in this fax message is PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the individual or entity named above. If the reader of this fax message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that you are in possession of CONFIDENTIAL AND PRIVILEGED INFORMATION. Any dissemination, distribution or copying of this communication is STRICTLY PROHIBITED. You are further requested to return the original fax message to the sender at the address above. Your cooperation is appreciated.

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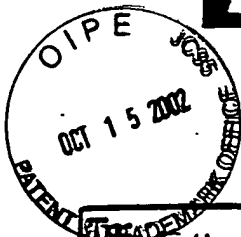
Gerald P. Parsons
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Reg. No. 24,486



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EXAMINER SINGH, GAY 2633		From : Karl M. Stains, Attorney at Law
Fax Number : (703) 308-6290		Pages including this Cover: 12
Date : 7/13/01	Time : 1640	For Information Call: (619) 692-2004/(714) 549-1198
Subject : SER. NO. 09/207,694		Fax Number : (619) 692-2003 / (714) 549-1197

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